

**REMARKS/ARGUMENTS**

Claims 1-23 are pending in this application.

**I. Allowable Subject Matter**

The Examiner is thanked for the indication that claims 8-15, 29 and 30 would be allowable if rewritten in independent form. However, for the reasons set forth below, claims 8-15, 29 and 30 have not been rewritten in independent form at this time.

**II. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-7, 16-21, 24-28 and 31 under 35 U.S.C. §103(a) over U.S. Patent No. 6,879,337 to Tatehana et al. (hereinafter "Tatehana") in view of U.S. Patent No. 6,999,802 to Kim (hereinafter "Kim"). The rejection is respectfully traversed.

35 U.S.C. §102(e) states that a person shall be entitled to a patent unless the invention was described in

"(2) a patent granted on an application for patent by another filed in the United States before the before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." (emphasis added)

Further, MPEP 1857.01 states:

"[I]f any of the above conditions have not been satisfied, the publication of the international application and the U.S. application publication of the national stage after compliance with 35 U.S.C. 371 may only be used as prior art as of its publication date under 35 U.S.C. 102(a) or (b). A later filed U.S. application that properly claimed the benefit under 35 U.S.C. 120 or 356(c) of such an international application will have its own U.S. filing date for purposes of 35 U.S.C. §102(e)."

Amendment dated **February 14, 2007**Reply to Office Action of **November 14, 2006**

Tatehana was filed in the U.S. on February 13, 2003, claiming priority to PCT application PCT/JP02/03778 filed August 16, 2002 (hereinafter “the Tatehana PCT application”). It is noted, however, that the Tatehana PCT application was published in Japanese, and not in the English language, as required by 35 U.S.C. §102(e). Please see the attached summary page from the WIPO website, which provides filing and publication details related to the Tatehana PCT application and its publication, as well as the copy of the WIPO publication of the Tatehana PCT application. Accordingly, it is respectfully submitted that the Tatehana PCT application was not published in the English language, as required by 35 U.S.C. §102(e), and thus does not satisfy all of the conditions set forth in 35 U.S.C. §102(e) for its international filing date to be considered its effective date as prior art.

Further, the present application was filed on June 27, 2003, claiming priority to Korean Patent Application No. 2000-71615 filed in Korea on November 18, 2002. A certified translation of this priority document will be filed shortly hereafter in order to perfect this claim for priority. It is noted that the November 18, 2002 priority date associated with the present application pre-dates Tatehana’s February 13, 2003 U.S. filing date and corresponding March 18, 2004 U.S. publication date, as well as Tatehana’s December 12, 2002 PCT Publication date. Thus, it is respectfully submitted that Tatehana is not a proper reference, and cannot be properly applied in a rejection of the present application (see also, MPEP 706.02(f)(1), Example 5).

Additionally, Kim alone fails to disclose or suggest each of features recited in the claims, or the respective claimed combinations, and thus fails to overcome the deficiencies of Tatehana.

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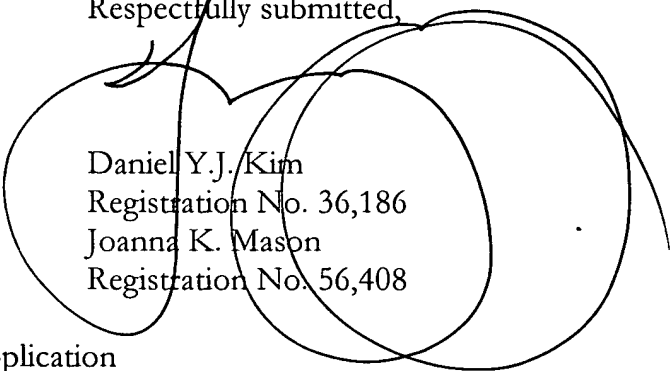
Accordingly, it is respectfully submitted that claims 1-7, 16-21, 24-28 and 31 are allowable over the applied combination, and thus the rejection of claims 1-7, 16-21, 24-28 and 31 under 35 U.S.C. §103(a) over Tatehana and Kim should be withdrawn.

### III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,



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WIPO Publication of Tatehana PCT Application

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**Date: February 14, 2007**

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